

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THE POST CONFIRMATION TRUST)
FOR FLEMING COMPANIES, INC.,)
Plaintiff,)
v.) No. 3:05-CV-299
HILLTOP ENTERPRISES, INC.,) (GUYTON)
Defendant.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 24]. This matter came before the Court on April 5, 2006 for a scheduling conference.

The plaintiff has filed an Application for Default Judgment [Doc. 20], asking the Court to enter a judgment by default against the defendant for failing to file a response to the plaintiff's amended complaint, which was served on the defendant on December 29, 2005. The defendant has since filed an answer to the amended complaint. [Doc. 22]. Accordingly, the plaintiff's Application for Default Judgment [Doc. 20] is now moot and is hereby **DENIED AS MOOT**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge